

REMARKS

Claims 1-14 are all the claims pending in the application.

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 5, 6, 10, 11 and 13 under § 103(a) as being unpatentable over Dureau et al. (US 6,118,472) in view of Gerszberg et al. (US 2002/0012353). Applicant traverses this rejection for the reasons set forth below.

In the response to arguments section, the Examiner contends:

It is noted that the features upon which the applicant relies (i.e., entering data using a telephone which is in turn being used in a specifically telephonic capacity in order to send data to the provider) are not recited in the rejected claims. The claimed invention goes no further than to require the data is entered “using a telephone.”

(*Office Action*, p. 2).

Additionally, the Examiner alleges that Dureau discloses most of the features recited in claim 1, but concedes that Dureau fails to disclose wherein the data is entered using a telephone.

(*Office Action*, p. 4). To compensate for this deficiency, the Examiner applies Gerszberg alleging that it discloses “incorporating telephone functionality into a remote control (see fig. 17), for the benefit of enhancing a user’s remote control to include telephone functionality.”

(*Office Action*, p. 4).

However, Applicant respectfully submits that even if combined as suggested by the Examiner, the suggested combination fails to disclose all the features as arranged in claim 1. In particular, even if Dureau could be modified by Gerszberg to provide telephone functionality in a remote control to enhance the remote control, the suggested combination fails to disclose “entering data using a telephone in a telephonic capacity” and “wherein the data is sent to the provider’s server via a telephone station,” as required in claim 1.

Specifically, the data entered using the telephone must also be data that complies with the following features recited in claim 1. Accordingly, Gerszberg must teach entering data which meets the following features:

- (1) “said data indicating an operation desired by a user;”
 - (2) “receiving the data, using said provider’s server, carrying out the operation desired by the user based on the data,”
 - (3) “generating display data showing the result of the operation,”
 - (4) radio-receiving the display data from said broadcasting station, using a television set;”
- and
- (5) wherein the data is sent to the provider’s server via a telephone station.

However, Applicant submits that Gerszberg fails to disclose entering any data meeting these features. Rather, Gerszberg merely teaches of providing a handset 200 with telephone functionality. However, no portion of Gerszberg even remotely discloses entering into the handset 200 and data meeting the requirements of claim 1, when the handset 200 is used in a telephonic capacity. To the contrary, Gerszberg teaches of using the handset 200 either as telephone or as a remote. (par. [0086]). Moreover, Gerszberg refers to the telephone functions as merely ancillary cordless telephone functions. (*Office Action*, par. [0086]). While the telephone may also function as a videophone having video and audio components (par. [0087]), there is no disclosure that when functioning in a telephonic capacity that any data, other than conventional telephone data, could be entered into the handset 200. Accordingly, Gerszberg fails to teach or suggest entering any data into the handset 200 when used as a telephone, which results in: (1) receiving the data, using the provider’s server, and carrying out the operation desired by the user

based on the data; (2) generating display data showing the result of the operation; and (3) radio-receiving the display data from said broadcasting station, using a television set.

Additionally, Dureau fails to disclose that any information sent using a telephone could be processed by the decoder 45. Rather, Dureau explicitly discloses that the decoder 45 is configured to receive input information from a remote control 55. (col. 4, lines 23-27). There is simply no basis for the Examiner's position that any information entered into a remote control 55, when functioning in a telephonic capacity, could be input into the decoder 45. Dureau does not disclose any such feature, nor does Gertszberg (as set forth above). Thus, even if combined as suggested such that the remote control 55 of Dureau would have telephone functionality, in order to enter data into the decoder 45, a user would have enter the data using the remote control 55 in its remote control 55 capacity. In other words, if the telephone functionality of the remote control 55 (if modified as suggested) was used to enter data, Dureau's decoder 45 would not be able to receive the telephone entered data. To the contrary, Dureau's decoder 45 is only configured to be used with a remote control 55 set up for the decoder.

Thus, because Gerszberg and Dureau merely support entering conventional telephone data on a telephone (i.e., telephone numbers, audio and visual data), the suggested combination of Dureau and Gerszberg fails to disclose all the features of claim 1.

Therefore, Applicant respectfully submits that claim 1 is allowable over the applied combination. Additionally, Applicant submits that claims 5 and 11 are allowable at least because of their dependency from claim 1.

With regard to claim 6, because this claim recites features similar to those argued above with regard to claim 1, Applicant submits that claims 6 is allowable, at least for the same reasons

set forth above. Furthermore, Applicant submits that claims 10 and 13 are allowable at least because of their dependency from claim 6.

Claim Rejections - Claims 2, 3, 7 and 8

Claims 2, 3, 7 and 8 were rejected under § 103(a) as being unpatentable over Dureau and Gerszberg as applied to claims 1 and 6, and in further view of Shimomura et al. (US 6,526,590; “Shimomura”).

Applicant respectfully submits that because Shimomura, either alone or in combination with Dureau and Gerszberg, fails to remedy the deficiency of the Dureau/Gerszberg combination as discussed above, claims 2, 3, 7 and 8 are allowable, at least because of their dependency.

Claim Rejections - 35 U.S.C. § 103(a) - Claims 4, 9, 12 and 14

Claims 4, 9, 12 and 14 were rejected under § 103(a) as being unpatentable over Dureau and Gerszberg as applied to claim 1 and 6, and in further view of Majeti et al. (US 5,534,913; “Majeti”).

Applicant respectfully submits that because Majeti, either alone or in combination with Dureau and Gerszberg, fails to remedy the deficiency of the Dureau/Gerszberg combination as discussed above, claims 4, 9, 12 and 14 are allowable, at least because of their dependency. In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: October 30, 2007